

Exhibit K

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

In re:

Case No. 8:09-BK-25594-MGW

ANTHONY D. MCDONALD and
MARY B. MCDONALD,

Debtors.

/

ANTHONY D. MCDONALD and
MARY B. MCDONALD,

Adversary No. 8:10-AP-292-MGW

Plaintiffs,

vs.

GMAC MORTGAGE, LLC, and
LAW OFFICES OF DAVID J. STERN, P.A.,

Defendants.

/

**ORDER ON DEFENDANT LAW OFFICES OF DAVID J. STERN, P.A.'S
MOTION TO DISMISS PLAINTIFFS' AMENDED COMPLAINT**

THIS CAUSE came before the Court on December 14, 2010, upon Defendant Law Offices of David J. Stern, P.A.'s Motion to Dismiss Plaintiffs' Amended Complaint [D.E. 41]. After reviewing the record, hearing arguments of counsel, and finding good cause, the Court orders that the Motion to Dismiss is GRANTED as follows:

1. The Complaint is dismissed without prejudice as to all counts.
2. The Court finds that the litigation privilege does not apply to the facts of this case because the Amended Complaint alleges that the reinstatement letter was sent to the Plaintiffs before the filing of the foreclosure complaint.

3. The Plaintiffs shall have twenty-one (21) days to file a Second Amended
Complaint. The Defendants shall then have ~~twenty~~²¹ (20) days to file a response.

4. The pretrial conference previously scheduled will be continued until **February 15, 2011, at 9:30 a.m.** at which time all pending motions will be heard.

December 30, 2010

DONE AND ORDERED in Chambers in Tampa, Florida on _____.



MICHAEL G. WILLIAMSON
UNITED STATES BANKRUPTCY JUDGE

Copies furnished to:

Anthony and Mary McDonald
906 Woodleaf Way
Tampa, FL 33613

Terry E. Smith, Trustee
P.O. Box 6099
Sun City Center, FL 33571

Ziona Kopelovich, Esq.
Debt Relief Law Offices of Tampa Bay LLC
6014 US Highway 19, Suite 305
New Port Richey, FL 34652-2590

Richard J. McIntyre, Esq.
McIntyre, Panzarella, Thanasides & Eleff
6943 East Fowler Avenue
Temple Terrace, FL 33617

Lara Roeske Fernandez, Esq.
Trenam, Kemker, et al.
PO Box 1102
Tampa, FL 33601

Malka Isaak, Esq.
Law Office of Malka Isaak
6014 US Highway 19, Suite 305
New Port Richey, FL 34652-2590

Wanda D. Murray, Esq.
Law Offices of David J Stern P.A.
900 South Pine Island Road, Suite 400
Plantation, FL 33324

Jeffrey Tew, Esq.
Tew Cardenas LLP
1441 Brickell Avenue, 15th Floor
Miami, Florida 33131